United Nations A/65/468

General Assembly

Distr.: General
12 November 2010
English
Original: Spanish

Sixty-fifth session
Agenda item 80

Diplomatic protection

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Diplomatic protection" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to its resolution 62/67 of 6 December 2007.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 16th and 27th meetings, on 20 October and 5 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.16 and 27).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General containing the comments and observations received from Governments[1] on the recommendation of the International Law Commission to elaborate a convention on the basis of the draft articles on diplomatic protection adopted by the Commission at its fifty-eighth session, in 2006.[2]

5. Pursuant to resolution 62/67, the Committee decided, at its 1st meeting, on 4 October 2010, to establish a Working Group on Diplomatic Protection, in order to fulfil the mandate conferred by the General Assembly on the Committee, namely, to further examine, in the light of the written comments of Governments as well as views expressed in the debates held at the sixty-second session of the General Assembly, the question of a convention on diplomatic protection, or any other

[1] A/65/182 and Add.1.

[2] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10* (A/61/10), para. 46.

Please recycle

appropriate action, on the basis of the articles drafted by the International Law Commission. At the same meeting, the Committee decided to open the Working Group to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The Working Group, which was chaired by Ms. Eva Šurková (Slovakia), held one meeting, on 20 October 2010.

6. At the 27th meeting of the Sixth Committee, on 5 November, the Chair of the Working Group presented an oral report on the work of the Working Group (see A/C.6/65/SR.27).

II. Consideration of draft resolution A/C.6/65/L.9

7. At the 27th meeting, on 5 November, the representative of Slovakia, on behalf of the Bureau, introduced a draft resolution entitled "Diplomatic protection" (A/C.6/65/L.9).

8. At the same meeting, the Committee adopted draft resolution A/C.6/65/L.9 without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Diplomatic protection

The General Assembly,

Recalling its resolution 62/67 of 6 December 2007, the annex to which contains the text of the articles on diplomatic protection, commending the articles to the attention of Governments,

Recalling also that the International Law Commission decided to recommend to the General Assembly the elaboration of a convention on the basis of the articles on diplomatic protection,[1]

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (*a*), of the Charter of the United Nations,

Noting that the subject of diplomatic protection is of major importance in the relations of States,

Taking into account the comments and observations of Governments[2] and the discussions held in the Sixth Committee at the sixty-second and sixty-fifth sessions of the General Assembly on diplomatic protection,

1. *Commends once again* the articles on diplomatic protection, presented by the International Law Commission to the attention of Governments, and invites them to submit in writing to the Secretary-General any further comments, including comments concerning the recommendation by the Commission to elaborate a convention on the basis of the articles;[1]

2. *Decides* to include in the provisional agenda of its sixty-eighth session an item entitled "Diplomatic protection" and to further examine, within the framework of a working group of the Sixth Committee, and to also identify any difference of opinion on the articles, in the light of the written comments of Governments, as well as views expressed in the debates held at the sixty-second and sixty-fifth sessions of the General Assembly, the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the above-mentioned articles.

---

[1] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10* (A/61/10), para. 46.

[2] See A/62/118 and Add.1 and A/65/182 and Add.1.